

## REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected under 35 U.S.C. §103 based on the combination of English, Slovin and Klein. Claim 1 is currently amended. Support for the claim amendment is in the specification at pp. 32-38 and page 50, i.e., section “2.a.1.3 AP Power Adjustment” and section “4.b STA Power Adjustment.”

Reconsideration and further examination are requested.

The presently claimed invention distinguishes the cited combination because the AP issues an instruction to the STA to backoff power by a specified amount rather than to transmit at a particular power. Klein teaches that the AP sends data representing the power level at which the AP has been set.<sup>1</sup> The mobile unit then sets its power level to the level indicated by the AP, or to a higher level.<sup>2</sup> For example, the AP could instruct the STA to transmit at 1 watt. In contrast, the presently claimed invention recites that the apparatus includes logic operative to backoff transmission power by an amount indicated by the alternative access point.” For example, the AP could instruct the STA to reduce power by 3 dB. In other words, the AP transmits a power backoff indicator (“TP Backoff” in the specification) rather than an indicator of actual power level. As stated in the specification, the TP Backoff value indicates how far from maximum power the sending AP’s radio has been turned down.<sup>3</sup> One practical implication of this difference is that Klein’s AP must know and track the STA’s power level at all times in order to be able to calculate a new power level which might achieve a desired result, whereas an AP in accordance with the claimed invention need not know the actual transmit power level of the STA. Claim 1 has been amended to emphasize this difference.

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<sup>1</sup> Paragraph 0019

<sup>2</sup> Paragraph 0020

For the reasons stated above, this application is now considered to be in condition for allowance and such action is earnestly solicited. Should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

/Holmes W. Anderson/  
Holmes Anderson, Reg. No. 37,272  
Attorney/Agent for Applicant(s)  
McGuinness & Manaras LLP  
125 Nagog Park  
Acton, MA 01720  
(978) 264-6664

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